

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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BARRY DWAYNE MINNFEE, <i>PRO SE</i> ,	§	
Potter County ID No. 81934,	§	
Previous TDCJ-ID #1087306,	§	
Previous TDCJ-ID #637140,	§	
Previous TDCJ-ID #965370,	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:04-CV-0348
	§	
SONYA LETSON, County Attorney,	§	
MIKE SHUMATE, Sheriff,	§	
NFN JOHNSON, Lt., and	§	
RUBEN PEREZ, Chaplain,	§	
	§	
Defendants.	§	

**MEMORANDUM OPINION AND ORDER OF DISMISSAL**

Plaintiff BARRY DWAYNE MINNFEE, acting *pro se* and while a prisoner incarcerated in the Potter County Detention Center, has filed suit pursuant to Title 42, United States Code, Section 1983 complaining against the above-named defendants and requesting leave to proceed *in forma pauperis*.

Plaintiff complains that the defendants have not allowed him access to books concerning the law. The Court notes that plaintiff MINNFEE has sustained more than three

dismissals which fulfill the "three strikes" provision of the PLRA<sup>1</sup> and has been repeatedly informed of his status as a three-striker<sup>2</sup> and the consequent bar against pauper filings.

Further, plaintiff has suffered multiple sanctions in past litigation, a few of which will be discussed herein. In cause no. 2:03-CV-0250, a prisoner civil rights suit, the instant Court found plaintiff had violated Rule 11, Federal Rules of Civil Procedure, and was an abusive litigant. The Court assessed a \$200.00 monetary sanction and barred any new filings by plaintiff until he had satisfied the monetary sanction and secured judicial permission. In cause no. 2:02-CV-0310, a habeas action, this Court assessed a \$25.00 sanction and barred the filing of any new causes of action in this Court until the sanction had been satisfied and MINNFEE had obtained judicial permission. In cause no. 2:04-CV-0147, another habeas action, the instant Court assessed a \$50.00 monetary sanction and barred MINNFEE from proceeding with any litigation in this Court until the sanction was satisfied.

A review of Court records reveals that none of the monetary sanctions imposed by this Court has been satisfied. Nevertheless, plaintiff continues to file lawsuits in federal court without securing judicial permission and without prepayment of the filing fees. Additionally, the claims asserted herein do not fall within the exception to the statutory bar against pauperis filings by plaintiff.

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<sup>1</sup>In relevant part, Cause No. 2:96-CV-0274 (USDC, Northern District of Texas, Amarillo Division) was dismissed on May 26, 1999, for failure to state a claim, and no appeal was taken; Cause No. 2:96-CV-0235 (USDC, Northern District of Texas, Amarillo Division) was dismissed for frivolousness on May 2, 1997, and no appeal was taken; and Cause No. 2:02-CV-0242 (USDC, Northern District of Texas, Amarillo Division) was dismissed for frivolousness on September 9, 2002, and no appeal was taken.

<sup>2</sup>See, e.g., *Minniffee v. Robertson Unit*, 1:03-CV-0023 (USDC, Northern District of Texas, Abilene Division) and *Minniffee v. Neal*, 2:03-CV-0210 (USDC, Northern District of Texas, Amarillo Division).

Plaintiff BARRY DWAYNE MINNFEE is barred from any new filings in this Court until he has satisfied the monetary sanctions set forth above and obtained judicial permission. Further, plaintiff is barred from proceeding *in forma pauperis* pursuant to Title 28, United States Code, section 1915(g).

For the reasons set forth above, plaintiff's request to proceed *in forma pauperis* is DENIED, and the instant cause is DISMISSED WITHOUT PREJUDICE TO REILING WITH PREPAYMENT OF THE FILING FEE PROVIDED PLAINTIFF FIRST SATISFIES THE MONETARY SANCTIONS PREVIOUSLY IMPOSED AND SECURES JUDICIAL PERMISSION.

LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also send a copy of this order to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

ENTERED this 16<sup>th</sup> day of May, 2005.

/s/ Mary Lou Robinson  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE